

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

MICHAEL THOMPSON

PLAINTIFF

V.

CIVIL ACTION NO. 3:14cv274-NBB-SAA

CALVIN HAMP, in his individual capacity;
JAMES JONES, in his individual capacity;
and UNKNOWN DEFENDANTS
“A”, “B” AND “C”

DEFENDANTS

DEFENDANT CALVIN HAMP’S
FOURTH MOTION IN LIMINE TO EXCLUDE
OFFICIAL CAPACITY ARGUMENT AND TESTIMONY

COMES NOW, Defendant, Calvin Hamp, in the above referenced cause and files this Fourth Motion In Limine to exclude testimony that the sheriff is sued in his official capacity or that the County is party to this action, to wit;

- 1) The Defendant Calvin Hamp is not sued in his official capacity, nor is Tunica County sued. (See docket Number 12). It is anticipated that the Plaintiff will claim that Sheriff in his official Capacity, or that the County, is responsible.
- 2) To date the Plaintiff has failed to present evidence that the Sheriff participated in the detention or arrest of the Plaintiff. The Sheriff has moved to dismiss these individual claims, but remains a Defendant, individually.
- 3) In the event that an argument is made that the “Sheriff should be held liable, because he is the Sheriff” without evidence of personal participation in the arrest this would present an impermissible “respondeat superior” basis of liability.
- 4) The Defendants request that the Plaintiff, Plaintiff’s counsel, and all witness be excluded from claiming that the Defendant Calvin Hamp, might be liable simply because

he is the Sheriff, as this matter incorrectly states the law, and is therefore excluded under FRE 402, 403 and 701. Such testimony would be irrelevant, confusing to the jurors, prejudicial to the Defendant, and improper opinion testimony.

WHEREFORE PREMISES CONSIDERED For the foregoing reasons, the Defendant, moves this Court to order that the Plaintiffs, Plaintiffs' counsel and any witnesses be ordered not to testify that Sheriff Hamp might be liable simply because he was the sheriff.

RESPECTFULLY SUBMITTED, this the 13 day of March, 2017.

**CALVIN HAMP AND
JAMES JONES, DEFENDANTS**

By: /s/ Michael J. Wolf
Michael J. Wolf

OF COUNSEL:

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CERTIFICATE OF SERVICE

I, the undersigned attorney for Defendant, do hereby certify that I have this day filed and caused to be sent to all counsel of record, a true and correct copy of the foregoing document via the ECF system.

This the 13th day of March, 2017.

/s/ Michael J. Wolf

Michael J. Wolf